

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PETER BASILE

Plaintiff,

V.

BOARD OF EDUCATION OF THE
YONKERS CITY SCHOOL DISTRICT

Defendants.

ANSWER

07 CV 1027
Judge Lynch

-----X
Defendant Board of Education of the Yonkers City School District, answering the
complaint herein by its attorneys, Donoghue, Thomas, Auslander & Drohan, alleges as follows:

1. Denies the allegations contained in paragraph 1 and respectfully refers the court to the statutes cited for their language and interpretation.
2. Admits the allegations contained in paragraph 2.
3. Admits the allegations contained in paragraph 3 that defendant district is an entity created pursuant to the New York State Education Law and maintaining its office at One Larkin Center, Yonkers, New York. Defendant denies the allegations that it is an employer within the meaning of the regulations and statutes cited and respectfully refers the court to the regulations and statutes for their language and interpretation.
4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4.
5. Admits that plaintiff has been employed by the District as a Library Media Specialist since October, 1999, and that most of his evaluations have been satisfactory.

6. Admits the allegations contained in paragraph 6.
7. Denies the allegations contained in paragraph 7 and 8.
8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9.
9. Denies the allegations contained in paragraph 10.
10. Admits the allegations contained in paragraph 11.
11. Denies the allegations contained in paragraph 12.
12. Denies knowledge or information as to the truth of the allegations contained in paragraph 13.
13. Denies the allegations contained in paragraphs 14, 15, 16, 17, 18 and 19.

As and For a First Affirmative Defense

14. The complaint fails to state a cause of action upon which relief may be granted.

As and For a Second Affirmative Defense

15. The Defendant Yonkers Board of Education has provided reasonable accommodation to plaintiff.

As and For a Third Affirmative Defense

16. The Administrative Code of the City of New York does not apply to Defendant.

As and For a Fourth Affirmative Defense

17. Punitive damages are not available against Defendant Yonkers Board of Education.

Respectfully submitted,

Dated: May 25, 2007

DONOGHUE, THOMAS, AUSLANDER
and DROHAN
Counsel for Defendant Yonkers Public Schools

By: \S\ Lawrence W. Thomas

Lawrence W. Thomas (LT2847)

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Attorney for Defendants

Board of Education of the Yonkers

City School District

To: James R. Sandner, Esq.
52 Broadway, 9th Floor
New York, New York 10004

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) SS.:
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BERNARD P. PIERORAZIO, being sworn says: I am the Superintendent of Schools of the Yonkers Public Schools, an educational corporation, one of the parties to the action; I have read the annexed Answer, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

\S\ *Bernard P. Pierorazio*
BERNARD P. PIERORAZIO

Sworn to before me this

25th Day of May, 2007

\S\ *La'Isha Hillian*
LA'ISHA HILLIAN
Notary Public State of New York
No. 01H916132192
Qualified in Westchester County